



Reprinted
January 29, 2008

HOUSE BILL No. 1271

DIGEST OF HB 1271 (Updated January 28, 2008 7:37 pm - DI 106)

Citations Affected: IC 35-50; noncode.

Synopsis: Inmate credit time. Prohibits an offender from earning credit time for a high school diploma if the offender has previously obtained a general educational development (GED) diploma. Prohibits an offender from earning credit time for a GED diploma if the offender has previously obtained a high school diploma. Specifies that offenders in credit class I earn one day of credit time for each six days of incarceration, and that offenders in credit class II earn one day of credit time for each 12 days of incarceration. (Current law provides that offenders in credit class I earn one day of credit for each day of incarceration, while offenders in credit class II earn one day of credit for every two days of incarceration).

Effective: July 1, 2008.

Stemler

January 15, 2008, read first time and referred to Committee on Judiciary.
January 22, 2008, reported — Do Pass.
January 28, 2008, read second time, amended, ordered engrossed.

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HB 1271—LS 6426/DI 107+



Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1271

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-50-6-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A person
3 assigned to Class I earns one (1) day of credit time for ~~each day he~~
4 **every six (6) days the person** is imprisoned for a crime or confined
5 awaiting trial or sentencing.
6 (b) A person assigned to Class II earns one (1) day of credit time for
7 every ~~two (2)~~ **twelve (12) days he the person** is imprisoned for a crime
8 or confined awaiting trial or sentencing.
9 (c) A person assigned to Class III earns no credit time.
10 SECTION 2. IC 35-50-6-3.3, AS AMENDED BY P.L.234-2007,
11 SECTION 171, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2008]: Sec. 3.3. (a) In addition to any credit
13 time a person earns under subsection (b) or section 3 of this chapter, a
14 person earns credit time if the person:
15 (1) is in credit Class I;
16 (2) has demonstrated a pattern consistent with rehabilitation; and
17 (3) successfully completes requirements to obtain one (1) of the

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following:

(A) A general educational development (GED) diploma under IC 20-20-6, if the person has not previously obtained a high school diploma.

(B) A high school diploma, **if the person has not previously obtained a general educational development (GED) diploma.**

(C) An associate's degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)).

(D) A bachelor's degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)).

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

(1) is in credit Class I;

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsections (a) and (b) for the same program of study.

(d) The amount of credit time a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6.

(2) One (1) year for graduation from high school.

(3) One (1) year for completion of an associate's degree.

(4) Two (2) years for completion of a bachelor's degree.

(5) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical education programs approved by the department of correction.

(6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the

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department of correction.

(7) Not more than a total of six (6) months credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more career and technical education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

(f) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor as a Class A felony, Class B felony, or Class C felony (IC 35-42-4-9).

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- 1 (I) Incest (IC 35-46-1-3).
 2 (J) Sexual battery (IC 35-42-4-8).
 3 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
 4 eighteen (18) years of age.
 5 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
 6 than eighteen (18) years of age.
 7 (M) An attempt or a conspiracy to commit a crime listed in
 8 clauses (A) through (L).
 9 (i) The maximum amount of credit time a person may earn under
 10 this section is the lesser of:
 11 (1) four (4) years; or
 12 (2) one-third (1/3) of the person's total applicable credit time.
 13 (j) The amount of credit time earned under this section is reduced
 14 to the extent that application of the credit time would otherwise result
 15 in:
 16 (1) postconviction release (as defined in IC 35-40-4-6); or
 17 (2) assignment of the person to a community transition program;
 18 in less than forty-five (45) days after the person earns the credit time.
 19 (k) A person may earn credit time for multiple degrees at the same
 20 education level under subsection (d) only in accordance with guidelines
 21 approved by the department of correction. The department of
 22 correction may approve guidelines for proper sequence of education
 23 degrees under subsection (d).
 24 **(l) A person may not earn credit time:**
 25 **(1) for a general educational development (GED) diploma if**
 26 **the person has previously earned a high school diploma; or**
 27 **(2) for a high school diploma if the person has previously**
 28 **earned a general educational development (GED) diploma.**
 29 **SECTION 3. [EFFECTIVE JULY 1, 2008] IC 35-50-6-3, as**
 30 **amended by this act, applies only to persons convicted after June**
 31 **30, 2008.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 8, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1271 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-50-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A person assigned to Class I earns one (1) day of credit time for ~~each day he~~ **every six (6) days the person** is imprisoned for a crime or confined awaiting trial or sentencing.

(b) A person assigned to Class II earns one (1) day of credit time for every ~~two (2)~~ **twelve (12) days he the person** is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class III earns no credit time."

Page 4, after line 19, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2008] **IC 35-50-6-3, as amended by this act, applies only to persons convicted after June 30, 2008.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1271 as printed January 23, 2008.)

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